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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/863,232	05/21/2001	Greg Arnold	PALM-3649.US.P	9948

7590 05/03/2006	EXAMINER
WAGNER, MURABITO & HAO LLP	SHIN, KYUNG H

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ART UNIT	PAPER NUMBER
2143	

DATE MAILED: 05/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 February 2006</u>.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

2/21/2006 has been entered.

2.   Claims **1 - 24** are pending. Claims **1, 12, 21** have been amended. Independent

Claims are **1, 12 and 21.**

Response to Arguments

3.   Applicant's arguments with respect to claims 1-24 have been considered but are

moot in view of the new ground(s) of rejection.

3.1   Applicant argues that the referenced prior art does not disclose " *... a first*

handheld device accesses the account for a second handheld device stored on

the server ... " (see remarks Page 9, Lines 5-6)

In response to the applicant's disclosure that the Multer reference teaches

away from the applicant's invention. Multer reference to a lock state for

information is consistent with the update mechanism for any system with the

capability to update information within a data store with multiple users. This is a

standard feature of any information storage system with multiple users.

The claimed invention states that one handheld device can access the profile information of a second handheld device. Multer (6,757,696) discloses wherein the capability to a detect profile information update procedure. (see Hoguta col. 2, lines 23-29: add profile information utilizing identifier information) Multer and Hoguta disclose the capability for another network system (i.e. handheld device) to access profile information for a different handheld device. Authentication is a standard procedure any system would implement before access to any information is enabled. Your own claims limitations require authority is confirmed before access to any information is allowed.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim Rejections - 35 USC § 103

5. **Claims 1 - 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Multer et al. (US Patent No. 6,757,696) and in view of **Hoguta et al.** (US Patent No.

6,725,303).

Regarding Claim 1, Multer discloses a method of transferring information comprising

the steps of:

   a) a first handheld device (see Multer col. 4, lines 27-34: handheld device utilized)

      causing an account (see Multer col. 32, lines 53-55: account information) to be

      accessed that is stored on a remote server, said account reserved for a second

      handheld device and describing a complement of information stored in said

      second handheld device; (see Multer col. 34, lines 16-19; col. 31, lines 58-62;

      col. 16, lines 50-50: user accounting information for each user stored on)

   b) said account modified to identify an information that resides on said remote

      server but not on said second handheld device; (see Multer col. 17, lines 15-20;

      col. 32, lines 14-17: user accounting information for particular user updated and

      stored on server)

   c) said second handheld device establishing a connection with said remote server;

      (see Multer col. 5, lines 10-17; col. 6, lines 16-20: handheld device

      communications between server and handheld device through connection) and

      Multer discloses wherein said remote server automatically determining,

      from said account, that said information is new to said second handheld device

and in response thereto for automatically downloading said information to said

second handheld device. (see Multer col. 34, lines 23-29: user information

updated (i.e. new information)) Multer does specifically discloses the capability

to enable access to user profile by another user.

However, Hoguta discloses:

d) wherein <u>while providing access to other handheld devices or said information</u>.

(see Hoguta col. 2, lines 23-29; col. 2, lines 44-49; col. 3, lines 11-20: access

profile information utilizing identifier information from network device)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Multer to enable access to profile information by a user of

a network capable device as taught by Hoguta. One of ordinary skill in the art would be

motivated to employ Hoguta in order to enable uniform customization of services based

on profile and preferences information. (see Hoguta col. 1, lines 54-57: *" ... a need for*

providing a subscriber with a method of uniformly customizing the use of varied

terminals and services in accordance with a subscriber's preferences and purchased

entitlements ... ")

Regarding Claim 2, Multer discloses a method as described in Claim 1 further

comprising the step of said first handheld sending said remote server a token identifying

said information and said second handheld and wherein said token causes said account

to be modified by said remote server. (see Multer col. 37, lines 62-65: data pack (i.e.

token) used for information transfer utilized for update)

Regarding Claims 3, 14, Multer discloses a method as described in Claims 1, 12

wherein said first and said second or said sender and said receiver handheld devices

are handheld computer systems. (see Multer col. 4, lines 27-36: two devices (i.e.

handheld devices) in communication)

Regarding Claims 4, 15, 23, Multer discloses a method as described in Claims 1, 12,

21 wherein said information is a version of an application program. (see Multer col. 12,

lines 10-12; col. 12, lines 16-20; col. 13, lines 3-7: version information processed)

Regarding Claims 5, 16, 24, Multer discloses a method as described in Claims 4, 15,

21 wherein said account comprises an application version record table comprising an

entry for each application stored in said second handheld device and wherein each

entry comprises: an application identifier; a version identifier; and a user identifier. (see

Multer col. 38, lines 3-5 col. 38, lines 8-15; col. 38, lines 55-59: identifiers utilized to

designate contents within table entries)

Regarding Claim 6, Multer discloses a method as described in Claim 1 wherein said

step of automatically downloading said information to said second handheld device, of

step d), is performed only if said first handheld device has authority to download to said

second handheld device. (see Multer col. 33, lines 13-17; col. 34, lines 23-29; col. 5,

lines 17-21: authentication for device based on account information, download

information)

Regarding Claims 7, 18, Multer discloses a method as described in Claims 6, 17 wherein said authority is established via an express grant of permission from said second handheld device to said first handheld device. (see Multer col. 34, lines 16-19: authorization for device based on account information)

Regarding Claims 8, 19, Multer discloses a method as described in Claims 6, 17 wherein said authority is established via a user confirmation that is made in response to a user message displayed on a display screen of said second handheld device. (see Multer col. 12, lines 29-36; col. 32, lines 23-28: user interface)

Regarding Claims 9, 20, Multer discloses a method as described in Claims 1, 12 wherein said remote server is a web based server. (see Multer col. 31, lines 21-23: web based (i.e. HTTP) server)

Regarding Claim 10, Multer disclose a method as described in Claim 1 wherein said step d) is performed within a synchronization process between a remote server and said second handheld device. (see Multer col. 7, lines 58-64; col. 14, lines 18-19: synchronization process for information within server and handheld device)

Regarding Claim 11, Multer disclose a method as described in Claim 1 wherein said

step d) is performed within a synchronization process between a host computer system

and said second handheld device. (see Multer col. 7, lines 58-64; col. 14, lines 18-19:

synchronization process for information in server and two devices (i.e. host system and

handheld device))

Regarding Claim 12, Multer discloses a system comprising:

   a) a receiver handheld device; (see Multer col. 4, lines 25-36; col. 5, lines 17-21:

   receiver system (i.e. handheld device))

   b) a remote server containing an account reserved for said receiver handheld

   device which describes a complement of information stored in said receiver

   handheld device; (see Multer col. 17, lines 15-20; col. 32, lines 14-17; col. 16,

   lines 50-50: server management system for user accounting information)

   c) a sender handheld device for causing said account to be modified to identify an

   information that resides on said remote server but not on said second handheld

   device; (see Multer col. 33, lines 13-17: update information within server system)

   d) wherein said receiver handheld device is for establishing a connection with said

   remote server; (see Multer col. 5, lines 10-17; col. 8, lines 16-19: handheld

   device communicating through connection between server and handheld device)

   and

      Multer discloses wherein said remote server is for automatically determining,

   from said account, that said information is new to said receiver handheld device

   and automatically for downloading said information to said receiver handheld

device. (see Multer col. 34, lines 23-29: user information updated (i.e. new

information)) Multer does specifically discloses the capability to enable access to

user profile by another user.

However, Hoguta discloses:

e) wherein <u>while providing access to other handheld device for said information</u>.

(see Hoguta col. 2, lines 23-29; col. 2, lines 44-49; col. 3, lines 11-20: access

profile information utilizing identifier information from network device)

It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Multer to enable access to profile information by a user of

a network capable device as taught by Hoguta. One of ordinary skill in the art would be

motivated to employ Hoguta in order to enable uniform customization of services based

on profile and preferences information. (see Hoguta col. 1, lines 54-57)

Regarding Claim 13, Multer discloses a system as described in Claim 12 wherein said

sender handheld is for sending said remote server a token identifying both said

information and said receiver handheld and wherein said token causes said remote

server to modify said account. (see Multer col. 5, lines 17-21; col. 6, lines 16-20; col. 37,

lines 62-65: data pack (i.e. token) utilized to modify user information)

Regarding Claim 17, Multer discloses a system as described in Claim 12 wherein said

remote server is also for determining if said sender handheld device has authority to

download to said receiver handheld device as a precursor to downloading said

information to said receiver handheld device. (see Multer col. 4, lines 25-36; col. 6, lines

16-20: authorization for device, download information to device)

Regarding Claim 21, Multer discloses a system comprising:

 a) a receiver handheld computer; (see Multer col. 4, lines 25-36; col. 5, lines 17-21:

   receiver system (i.e. handheld device))

 b) a web based server containing an account reserved for said receiver handheld

   computer which describes a complement of information stored in said receiver

   handheld computer; (see Multer col. 31, lines 21-23: web based (i.e. HTTP)

   server)

 c) a sender handheld computer for causing said account to be modified to identify

   an information that resides on said web based server but not on said receiver

   handheld computer; (see Multer col. 17, lines 15-20: update accounting

   information managed within management (i.e. web based)server)

 d) wherein said receiver handheld computer is for establishing a connection with

   said web based server; (see Multer col. 5, lines 10-17; col. 6, lines 16-20:

   handheld device communicating through connection between server and

   handheld device) and

   Multer discloses wherein said web based server automatically determines,

   from said account, that said information is new to said receiver handheld

   computer, also determines if said sender handheld computer has authority to

   download to said receiver handheld computer, and, if so, automatically

downloads said information to said receiver handheld computer. (see Multer col.
34, lines 23-29: update user information (i.e. new information)) Multer does
specifically discloses the capability to enable access to user profile by another
user.

However, Hoguta discloses:

e) wherein <u>while providing access to other handheld devices for said information</u>.
(see Hoguta col. 2, lines 23-29; col. 2, lines 44-49; col. 3, lines 11-20: access
profile information utilizing identifier information from network device)

It would have been obvious to one of ordinary skill in the art at the time the
invention was made to modify Multer to enable access to profile information by a user of
a network capable device as taught by Hoguta. One of ordinary skill in the art would be
motivated to employ Hoguta in order to enable uniform customization of services based
on profile and preferences information. (see Hoguta col. 1, lines 54-57)

Regarding Claim 22, Multer discloses a system as described in Claim 21 wherein said
sender handheld is for sending said remote server a token identifying both said
information and said receiver handheld and wherein said token causes said web based
server to modify said account. (see Multer col. 17, lines 15-20; col. 37, lines 62-65: data
pack (i.e. token) used to manage user accounting information within management
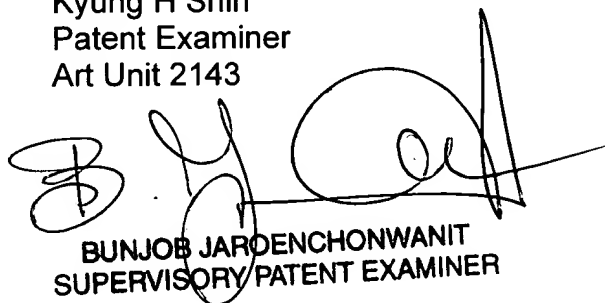server (i.e. remote server))

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kyung H. Shin whose telephone number is (571) 272-3920. The examiner can normally be reached on 7:30 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KHS
Kyung H Shin
Patent Examiner
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KHS
April 28, 2006

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SUPERVISORY PATENT EXAMINER